

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 521706530 US, on the date shown below in an envelope addressed to: MS PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: 11/28/06

Signature:

*Vivienne E. Sullivan*  
(Vivienne E. Sullivan)

IAP6 Rec'd PCT/PTO 28 NOV 2006

Docket No.: SUPP-P01-006  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Hori et al.

Application No.: 10/545,581

Confirmation No.: 5443

Filed: August 15, 2005

Art Unit: Not Yet Assigned

For: INSULIN-PRODUCING CELLS DERIVED  
FROM STEM CELLS

Examiner: Not Yet Assigned

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**

MS PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

A Notification of Missing Requirements Under 35 U.S.C. § 371 in the United States Designated/Elected Office (DO/EO/US) was mailed September 28, 2006. A copy of the Notice is attached hereto. The Notice sets a deadline of two months for filing a response. Therefore, a response is due November 28, 2006. Accordingly, this Communication is timely filed.

The Notice states that an oath or declaration is missing. In response, Applicants respectfully submit an executed Combined Declaration and Power of Attorney.

Applicants hereby authorize \$665.00 to be charged to Deposit Account No. 18-1945 under Order No. SUPP-P01-006. This amount is calculated as follows: \$600.00 (additional claim fees) + \$65.00 (oath or declaration surcharge), all at the rate established for small entities. If any additional fee is deemed necessary, authorization is hereby given to change that amount to

Application No.: 10/545,581

Docket No.: SUPP-P01-006

Deposit Account No. 18-1945 under Order No. SUPP-P01-006. A duplicate copy of this paper is enclosed.

Dated: November 28, 2006

Respectfully submitted,

By 

Matthew P. Vincent

Registration No.: 36,709

FISH & NEAVE IP GROUP, ROPES & GRAY LLP

One International Place

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(617) 951-7000

(617) 951-7050 (Fax)

Attorneys/Agents For Applicant

11/30/2006 LLANDGRA 00000021 181945 10545581

01 FC:2615	400.00 DA
02 FC:2614	200.00 DA
03 FC:2617	65.00 DA

<b>Effective on 12/08/2004.</b> <b>Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).</b> <h2 style="margin: 0;">FEE TRANSMITTAL</h2> <h3 style="margin: 0;">For FY 2005</h3>		<b>Complete if Known</b>	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	10/545,581
		Filing Date	August 15, 2005
		First Named Inventor	Hori et al.
		Examiner Name	Not Yet Assigned
		Art Unit	Not Yet Assigned
TOTAL AMOUNT OF PAYMENT		(\$)	665.00
		Attorney Docket No.	SUPP-P01-006

<b>METHOD OF PAYMENT</b> (check all that apply)	
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account    Deposit Account Number: <u>18-1945</u> Deposit Account Name: <u>Fish &amp; Neave IP Group, Ropes &amp; Gray LLP</u>	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input checked="" type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee	
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 <input checked="" type="checkbox"/> Credit any overpayments	

<b>FEE CALCULATION</b>							
<b>1. BASIC FILING, SEARCH, AND EXAMINATION FEES</b>							
Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
<b>2. EXCESS CLAIM FEES</b>							
						<b>Small Entity</b>	
						<b>Fee (\$)</b>	<b>Fee (\$)</b>
Each claim over 20 (including Reissues)						50	25
Each independent claim over 3 (including Reissues)						200	100
Multiple dependent claims						360	180
<b>Total Claims</b>		<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>		<b>Multiple Dependent Claims</b>	
36		- 20 = 16	x 25 =	400			
HP = highest number of total claims paid for, if greater than 20.							
<b>Indep. Claims</b>		<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>			
5		- 3 = 2	x 100 =	200			
HP = highest number of independent claims paid for, if greater than 3.							
<b>3. APPLICATION SIZE FEE</b>							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
<b>Total Sheets</b>	<b>Extra Sheets</b>	<b>Number of each additional 50 or fraction thereof</b>		<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>		
	- 100 =	/50		(round up to a whole number) x			
<b>4. OTHER FEE(S)</b>							
Non-English Specification, \$130 fee (no small entity discount)							
Other (e.g., late filing surcharge): 2051 Surcharge-Late oath or declaration						65.00	

<b>SUBMITTED BY</b>			
Signature	Registration No. (Attorney/Agent)	36,709	Telephone (617) 951-7000
Name (Print/Type)	Matthew P. Vincent		Date November 28, 2006

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Date: <u>11/28/06</u>	Signature: <u>Vivienne E. Sullivan</u> (Vivienne E. Sullivan)



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/545,581	Ropes & Gray Yuichi Hori	SUPP-P01-006

28120  
 FISH & NEAVE IP GROUP  
 ROPES & GRAY LLP  
 ONE INTERNATIONAL PLACE  
 BOSTON, MA 02110-2624

OCT 02 2006

Intellectual Property Dept.

INTERNATIONAL APPLICATION NO.	
PCT/US04/04681	
I.A. FILING DATE	PRIORITY DATE
02/17/2004	02/14/2003

CONFIRMATION NO. 5443

371 FORMALITIES LETTER



\*OC000000020616110\*

Date Mailed: 09/28/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 08/15/2005
- Copy of the International Search Report filed on 08/15/2005
- Information Disclosure Statements filed on 01/08/2006
- Small Entity Statement filed on 08/15/2005
- U.S. Basic National Fees filed on 08/15/2005
- Priority Documents filed on 08/15/2005

Ropes & Gray  
 Serial #: SUPP-P01-006  
 Action Item: Oath/Dec, Fee  
 Expiration(s): 28 Nov 2006 / 28 Apr 2007  
 m

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$1425 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$1490 for a Small Entity:

- \$65 Surcharge.
- Total additional claim fee(s) for this application is \$ 1425
  - \$600 for 6 independent claims over 3.
  - \$825 for 33 total claims over 20.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHRISTINE S WASHINGTON

Telephone: (703) 308-9140 EXT 228

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/545,581	PCT/US04/04681	SUPP-P01-006